

## Informational Testimony on the Proposed Amendment of the Montana Health Freedom Coalition January 11, 2011

Chairman Arntzen, members of the Committee. My name is Pat Bollinger from Helena. (Spell name for the record). I speak as a member of the Montana Dietetic Association.

My remarks concern the amendment proposed by the MT Health Freedom Coalition. I urge the committee not to amend HB 73 with this proposal.

I give 4 reasons:

*Testimony applies  
to the effective copy of the  
amendment PB  
1/11/2011*

**1. Subsection 2** asserts that the competitive market for health care services is adversely affected when unlicensed providers are not permitted to perform some actions defined as those that only licensees may perform. This is not correct. Rather the market for services by both licensed and licensed professionals is robust in Montana. Licensure assures that services are offered by competent professionals and that recipients have recourse in the event of harm.

The truth is that this <sup>amendment B</sup> ~~bill~~ is being requested by those who want to provide health services in the marketplace without accountability for the safety of their clients or independent verification of their education and training.

**2.** This amendment is about unlicensed health care practices but only lists titles of what these practices may include. **Subsection 3** lists actions which are prohibited by unlicensed practitioners but allows practice in any other area outside of this short list.

Effectively, the amendment would allow unlicensed practitioners to practice in a cafeteria style in ALL of the licensed health professions, except dental hygiene, without a license. Subsection 3 is vague and incomplete. For example, the practices of clinical laboratory science and audiology are not on the list of prohibited actions. Would you want to have a laboratory test performed by an untrained unlicensed person with no recourse if you found out only later that the result was dead wrong? This section allows that are serious and can be harmful.

**3. In subsection 4 a written disclosure to be given to the client is described. It includes a description of the services to be provided and the education and training of the provider.**

**Now, in today's world of computerized photoshopping, licensure boards require 3rd party verification of education and experience since credentials are easily falsified.**

**But when you choose to see an unlicensed provider just how much can you rely on the truth of a written disclosure given the human tendency to exaggerate skills and competencies, to stretch one's experience just a bit? The proposal only requires the provider to give you the disclosure. No one else reviews it for accuracy.**

**4. Also in subsection 4 the failure of a provider to provide original or changed information is mentioned. It says a warning will result and that on repeated violation the person may be rejoin from practice. There are some serious omissions here. What agency will give such warnings? What statute gives this unnamed agency the authorization to rejoin an unlicensed person who fails to make the required disclosure from practice? How is this unnamed agency funded? I see no addendum to the fiscal note to provide this oversight**

**It appears that this amendment seeks to give unlicensed providers a quasi recognition to legitimize their service. However in the event of harm a client's only recourse is civil litigation which may be unaffordable.**

**I offer an alternative. The status quo is working very well. The hundreds of board members and staff who work on the 22 health care boards work very hard to protect Montanans' health and safety. Boards do not devote time going after unlicensed practitioners. Rather they so spend much time in responding to complaints received. All complaints, whether against licensees or alleging unlicensed practice, must, by Montana statute, be carefully investigated. According to statistics for the 22 health boards compiled for the years 2002 to 2008 3,959 complaints were received in 7 years. Of these only 262, or 6% were about unlicensed practice. And of these most were dismissed, leaving 86 or 2% of the total across 22 boards. In fact 94 % of the complaints received questioned the care provided by licensees. So the Montana boards are not about**

**minimizing competition. They are truly about protecting Montanans.  
Please Vote no on the amendment.**

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